

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERIK D NORDHAUSEN,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 1:18-cv-738

JUDGE DOUGLAS R. COLE

Magistrate Judge Litkovitz

ORDER

This cause comes before the Court on the Magistrate Judge’s January 16, 2020 Report and Recommendation (“R&R”) (Doc. 13) recommending this Court reverse and remand the final decision of the Commissioner of Social Security per Plaintiff’s Complaint (Doc. 1). The R&R advised the Parties that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* Doc. 13, #717). *See also Thomas v. Arn*, 474 U.S. 140, 149–53 (1985) (“There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *Berkshire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting “*fail[ure] to file* an objection to the magistrate judge’s R&R ... is forfeiture, not waiver”) (emphasis original); 28 U.S.C. § 636(b)(1)(C). The time for filing objections has passed and none have been filed.

Therefore, the Court **ADOPTS** the R&R. For the reasons set forth in the R&R, the Court **REVERSES** and **REMANDS** the decision of the Commissioner for further

proceedings pursuant to Sentence Four of 42 U.S.C. 405(g), and **DIRECTS** the Clerk to enter judgment accordingly.

SO ORDERED.

February 13, 2020

DATE

A handwritten signature in blue ink, appearing to read 'Douglas R. Cole', is written over a horizontal black line.

DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE